

Senate Bill S.2525

NATIONAL INTELLIGENCE REORGANIZATION AND REFORM ACT of 1978

1. (U) Title VI - National Security Agency, subsection 662(d) should be revised to permit a more orderly identification of Central Intelligence Agency authority in the clandestine signals intelligence and clandestine communications security.

2. (U) Immediately following subsection 662(c), which addresses the responsibility of any department and agency to conduct individual communications security activities in accord with doctrine, standards, and procedures prescribed by the Director of National Security Agency, a new subsection worded along the following theme is essential for CIA.

(d) Nothing in this title shall contravene the authority of the Central Intelligence Agency to prescribe and implement unique communications security methods and procedures in support of clandestine activities and special activities as approved by the Director of National Intelligence or as directed by the National Security Council.

3. (U) Alternatively, if it is deemed not appropriate to have separate subsections for SIGINT and COMINT, subsection 662(d), page 259, lines 1 and 2 should be revised to read: "munication security methods and procedures in support of clandestine and special activities." This revision will delete the present phrase "after review by the Director" and add an exception provision for special activities for reasons stated below.

4. (U) The recognized authority of Central Intelligence Agency to engage in clandestine communications security activities should not be encumbered by a legal requirement for coordination and review by the Director of National Security Agency. The approval of the DNI or direction by NSC may or may not include a provision for exclusive CIA compartmentation of a clandestine or special activity. The existing subsection 662(d) would be a legal impediment to CIA communications support.

5. (U) The above proposed revision appears to be in accord with the Executive and Legislative wording in Executive Order 12036 and Title I of S. 2525. Specifically, EO 12036 subsection

1-808 charges CIA to conduct special activities approved by the President. Subsection 1-1106 charges the Secretary of Defense to act as Executive Agent of the United States Government for the conduct of communications security activities, "except as otherwise directed by the NSC." The quoted text is verbatim from EO 12036. Title I, subsection 131 (j) in our judgement, further reinforces the belief that CIA has a special responsibility which may include Presidential direction for CIA exclusive compartmentation.

6. (U) In summation, CIA should retain the option to invoke its exceptional authority, as specified in the above revision, to prescribe and implement unique communications security methods and procedures in support of clandestine or special activities.

7. (U) The Office of Communications defers to other appropriate components of the Agency to comment on the wording of clandestine signals intelligence portion contained in the present subsection 662(d).